

REMARKS

This communication is in response to the Non-Final Office Action of December 13, 2007.

Applicants respectfully traverse the rejections on the basis that the Examiner has failed to meet the burden for establishing a *prima facie* case of obviousness under 35 USC 103. Claims 1, 4, 7-8, 16, 19, 37-38, and 41 were rejected under 35 USC 103(a) over Clapper in view of Kolde. In particular neither reference teaches the use of three-dimensional representations of a remote control and neither references teaches or suggests the use of a three-dimensional animation of a button being pressed. As the references, when fairly interpreted, do not in combination teach all of the elements of the claimed inventions the 35 USC 103 rejection must be withdrawn under the requirement of MPEP 2142 that the prior art references when combined must teach or suggest all of the claim limitations.

Applicant's specification clearly discloses the use of a three-dimensional representation of a remote control. Attention is drawn to Figure 6B (reproduced below for the convenience of the Examiner) which illustrates a portion of a remote control. Figure 6B clearly illustrates a perspective view in which the remote control buttons are three-dimensional in that they have a height, width, and depth.

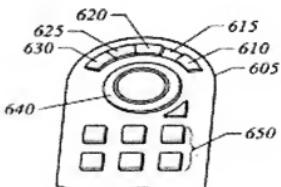


FIG. 6B

In contrast, Clapper disclose the use of a flat, two-dimensional image of a remote control and associated buttons. Figure 2 of Clapper illustrates a flat, two-dimensional image of a remote

control in a face-on view. That is, there is no representation of depth in Figure 2 of Clapper. The text of Clapper does not teach the use of a three-dimensional image having depth information.

Kolde also discloses the use of a flat, two-dimensional representation of a remote control and associated buttons and also illustrates a face-on view. It is true that Kolde describes visually emphasizing icons. However, in all of the examples in Kolde the icons remain as flat, two-dimensional icons having no depth information. This can be visually seen in reference to the “Buy” icon in several figures of Kolde. Figure 4 illustrates scaling of the Buy icon. However the Buy icon remains a flat, two-dimensional icon having no depth information. Figure 5 illustrates highlighting/pulsing of the Buy icon. However, the Buy icon is still a flat, two-dimensional icon. Figure 6 illustrates an “animation” in which the Buy icon rotates across the screen. However the Buy icon always remains a flat, two-dimensional icon having no depth information.

In regards to the 35 USC 103 rejection of independent claims 1 and 19, the Examiner admitted that Clapper did not teach the element of: “updating said three dimensional representation to display a three-dimensional animation of the button being pressed to indicate to the user that the command was received by the media center.” The Examiner relied on Kolde as disclosing this missing element. However, since all of the examples in Kolde are for two-dimensional icons, the Examiner has not satisfied the burden of establishing a *prima facie* case of unpatentability as the cited references, in combination, do not teach or suggest all of the elements of the independent claims. Additionally, it is noted that other “three-dimensional” claim limitations are not satisfied in the combination of the two references.

In view of the foregoing, Applicant respectfully submits that no further impediments exist to the allowance of this application and, therefore, requests an indication of allowability. However, the Examiner is requested to call the undersigned if any questions or comments arise.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: 2/22/08

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5625
Fax: (650) 857-0663

By:

Respectfully submitted,
COOLEY GODWARD KRONISH LLP



Edward Van Gieson
Reg. No. 44,386